



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CZN-844 (Amended) / 2025-CVR-844 (Amended)
Property Address: 127 East 34th Street (approximate address)
Location: Center Township, Council District #8
Petitioner: Hoosier Outreach, Inc., by Craig McCormick
Current Zoning: C-1 (TOD)
Rezoning of 0.11-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for a small apartment consisting of four units.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small apartment with zero-foot east side yard and rear yard setbacks for a surface parking area (minimum five-foot side yard and 10-foot rear yard setbacks required).
Current Land Use: Undeveloped
Staff Recommendations: Approval with commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR DECEMBER 11, 2025 HEARING EXAMINER

This petition was continued from the November 13, 2025 hearing to the December 11, 2025 hearing at the request of the petitioner to amend the request.

Amendment: The request was amended to rezone the site to the D-8 district instead of the previously requested D-5 district for a proposed small apartment consisting of four units. An additional zero-foot rear yard setback variance was added to address the relocation of the surface parking area.

The small apartment building typology would be permitted in the proposed D-8 district and would align with the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommendation for residential development.

Staff now **recommends approval of the request as amended** subject to one commitment proposed by the petitioner that parked cars on the property shall not encroach upon or impede the east alley. This commitment shall be reduced in writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing.



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ADDENDUM FOR NOVEMBER 13 2025 HEARING EXAMINER

Due to the petitioner's absence at the October 23, 2025 hearing, this petition was continued to the November 13, 2025 hearing by the Hearing Examiner. If the petitioner fails to attend this hearing, the Hearing Examiner will dismiss the case.

The petitioner notified staff that they intend to amend the request and will be requesting a continuance for cause at the November 13, 2025 hearing. In order for notice requirements to be met, the petition will need to be continue to the December 11, 2025 hearing.

October 23, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 0.11-acre subject site is an undeveloped commercial lot. It is surrounded by an art gallery to the west, zoned C-1, a 4-unit residential building to the east, zoned D-5, a church to the north, zoned D-9 and D-3, and an electrical substation to the south, zoned C-1.

REZONING

The request would rezone the property from the C-1 district to the D-5 district to allow the construction of a multi-unit house consisting of four (4) units.

The C-1 District is designed to perform two (2) functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The D-5 district is intended for medium-and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both



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low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

VARIANCE

The grant of the Variance of Development Standards would permit a zero-foot east side yard setback for a surface parking area where a minimum 3-foot side yard setback is required.

STAFF ANALYSIS

The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommends five to eight residential unit per acre development at this location.

If the submitted plans represented a multi-unit house, which is defined by Current Planning staff as a residential building with a common entrance and exit with interior access to the units, then staff would support the rezoning and variance request associated with said multi-unit house.

However, the floor plans and elevation that were submitted at staff's request resulted in the discovery that the proposed building type would not be a multi-unit building as defined by staff. Instead, each individual unit would have its own exterior entrance and would therefore be classified as a small apartment.

Staff informed the petitioner of this discrepancy and recommended they amend the request to rezone the site to the D-8 district for a small apartment, which staff would support.

The Administrator's interpretation of the multi-unit house classification should not be discussed during the hearing since there is a separate procedure to appeal the Administrator's Interpretation.

Approval of the request as currently noticed would not allow for the issuance of an Improvement Location Permit of the filed plan set. Therefore, staff is recommending denial of the requests since the final product would not be a multi-unit house as requested.

Lastly, the petitioner was made aware that per TABLE 744-701-2: PRIVATE FRONTAGE DESIGN STANDARDS, any front entry feature cannot extend further than five (5) feet into the 10-foot required front yard setback. The final site plan will need to be adjusted to meet this standard unless a variance is sought at a later time.

GENERAL INFORMATION

Existing Zoning	C-1 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	5 to 8 Residential Units Per Acre	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-9 / D-3	Church
	South: C-1	Electrical Substation

East:	D-5	Residential
West:	C-1	Commercial Art Gallery
Thoroughfare Plan		
34 th Street	Primary Collector Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 5, 2025	
Site Plan (Amended)	November 3, 2025	
Elevations	October 3, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	
Findings of Fact (Amended)	November 25, 2025	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).

- The subject site is within a ¼ mile from the nearest transit station located west at the 34th Street and Meridian Street intersection, which is classified as a community center typology.
- Characteristics of this typology include a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setback at core, with zero to ten-foot front setbacks and zero to ten-foot side setback at periphery. Multi-family housing with a minimum of three units should be proposed with structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- The subject site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) and recommends residential development greater than five (5) and equal to or less than eight (8) units per acre.
- In suburban and rural areas this is a common multi-family density and typically the highest density single-family category in suburban areas.
- In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.
- Rezoning to a dwelling district would align with the Neighborhood Plan.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021) should be considered when developing the site.
- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods,

but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.

- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Indy Moves Transportation Integration Plan (2018) proposes a protected bike lane along 34th Street from 38th Street to Boulevard Avenue.

ZONING HISTORY

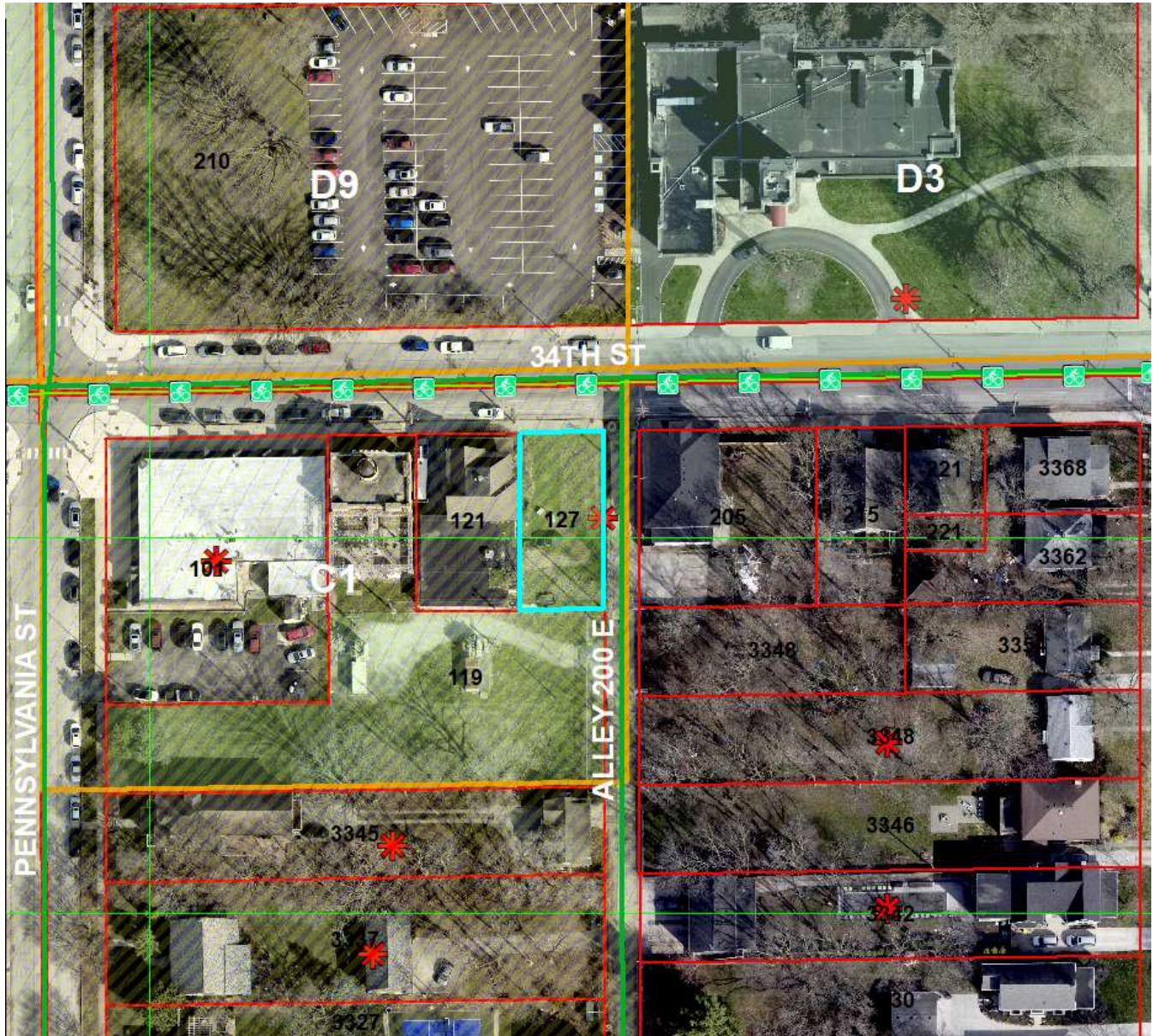
Zoning History - Vicinity

2005-ZON-087; 3401 N Meridian Street (northwest of site), Rezoning of 14.71 acres from the D-9 Dwelling Districts to the SU-2 classification to legally establish a middle school and to provide for future improvements that are outside the scope of the dwelling districts zoning ordinance, **approved**.

85-Z-219; 3600 Washington Boulevard (northeast of site), Rezoning of 46 acres to the D-3 classification to correct a mapping error, **approved**.

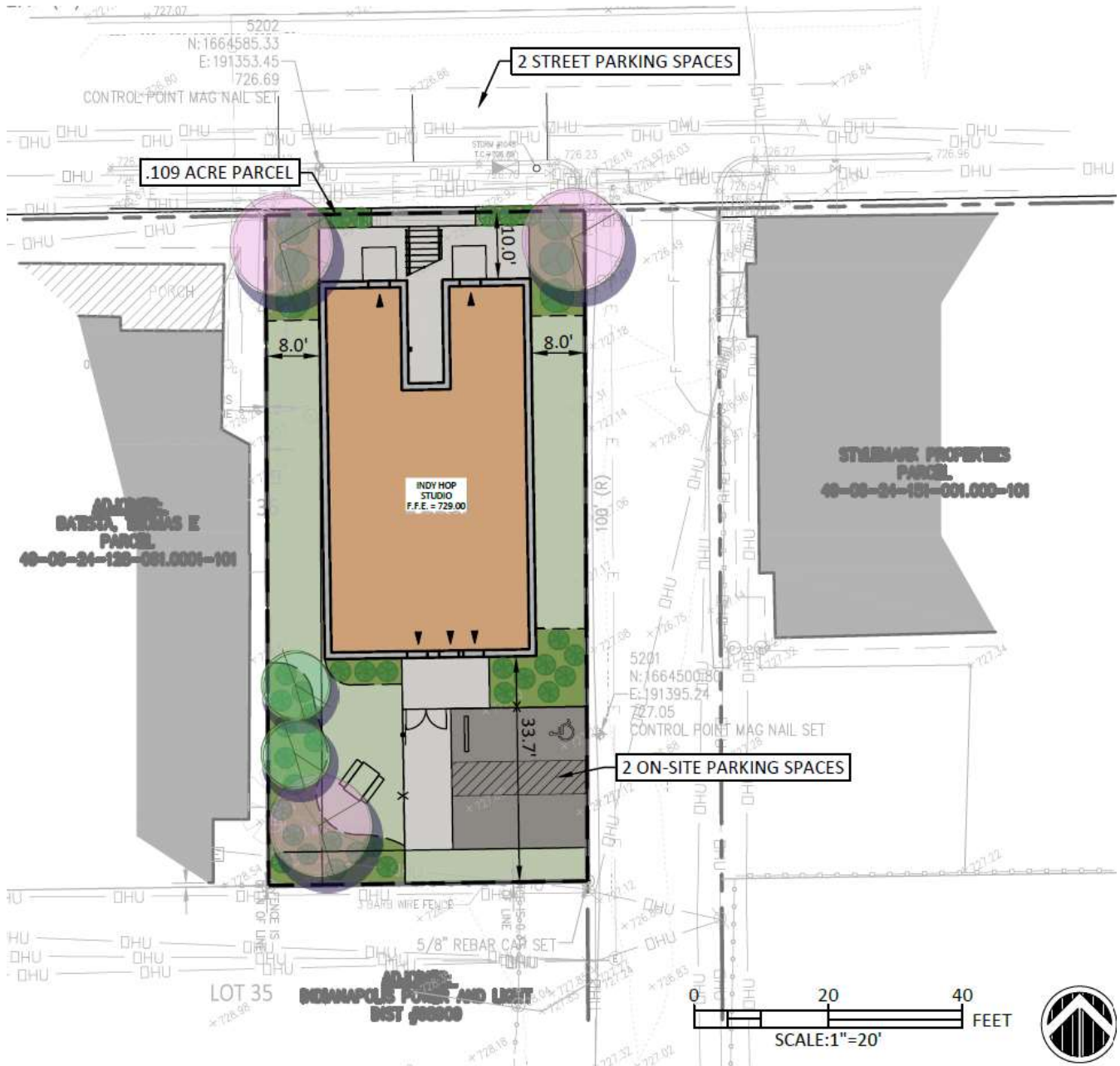
66-Z-39; Rear part of 3355 North Pennsylvania and 3350-3351 North Pennsylvania (south of site), Rezoning of 0.50 acre being in U1-H1-A1 district to U3-H1-A1 classification to provide for the expansion of the existing substation, **approved**.

EXHIBITS



AERIAL MAP

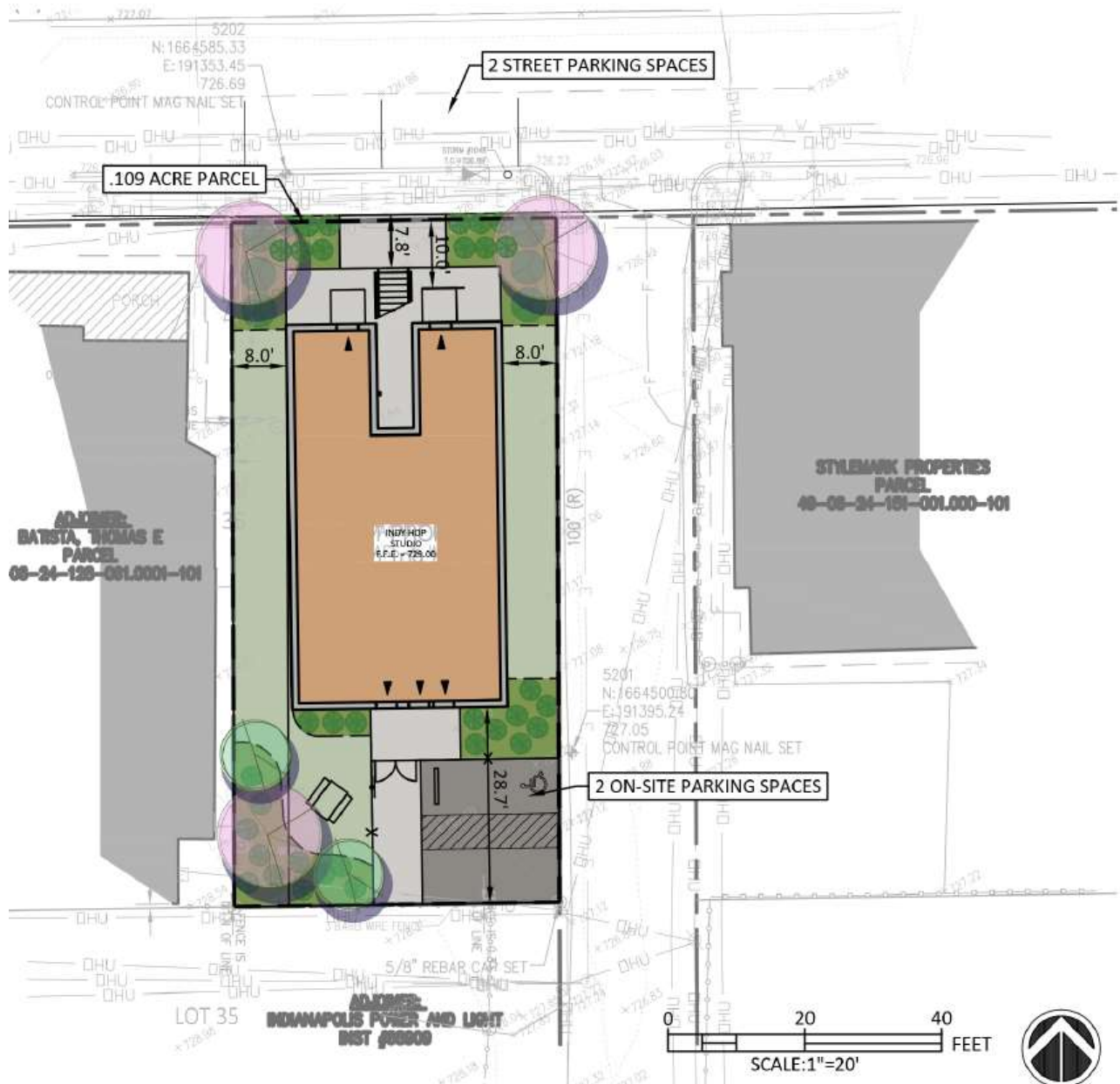
SITE PLAN



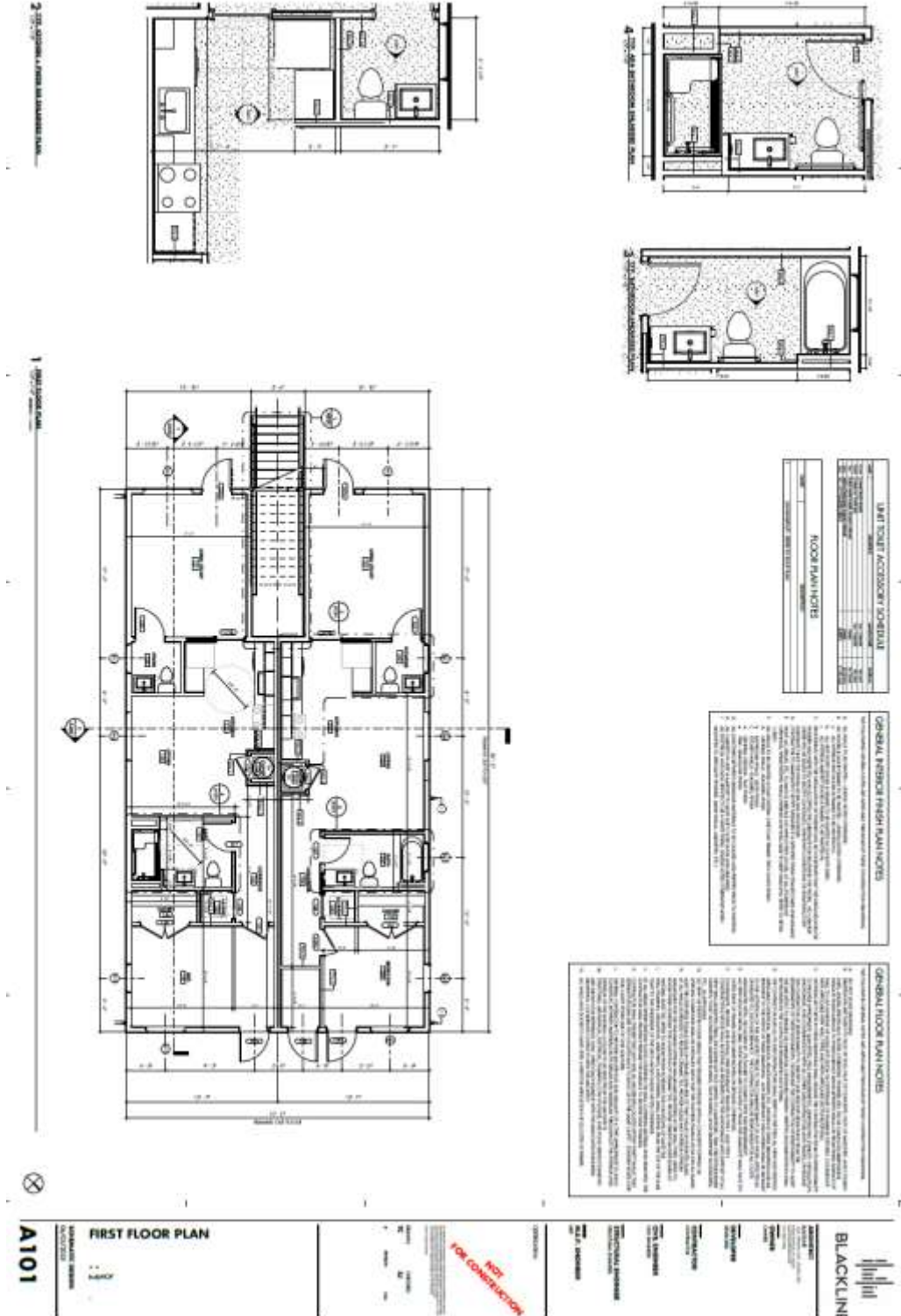
CLEAR SIGHT TRIANGLE.



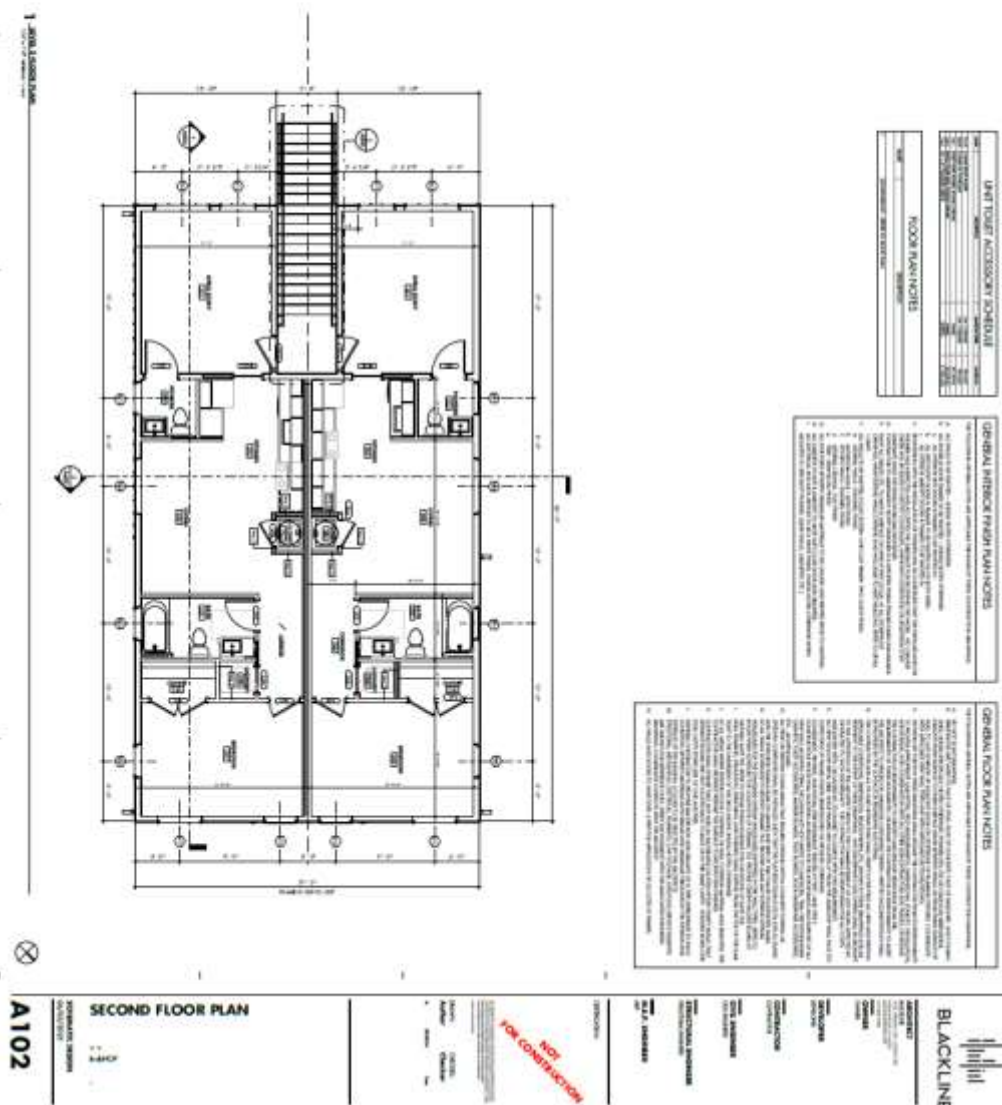
AMENDED SITE PLAN



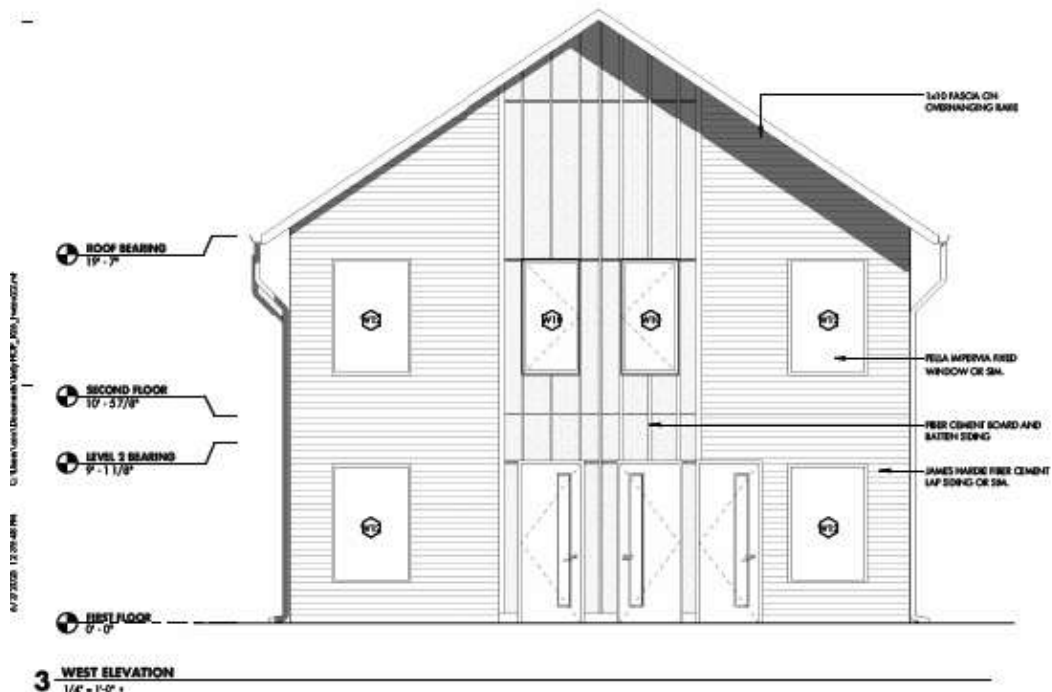
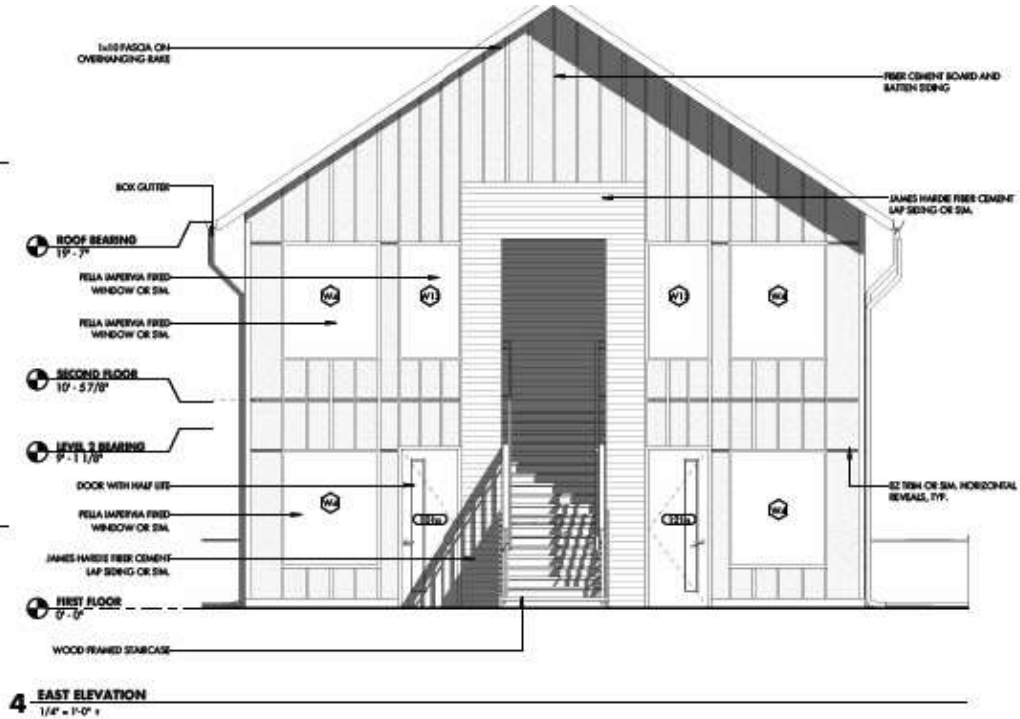
FIRST FLOOR PLAN



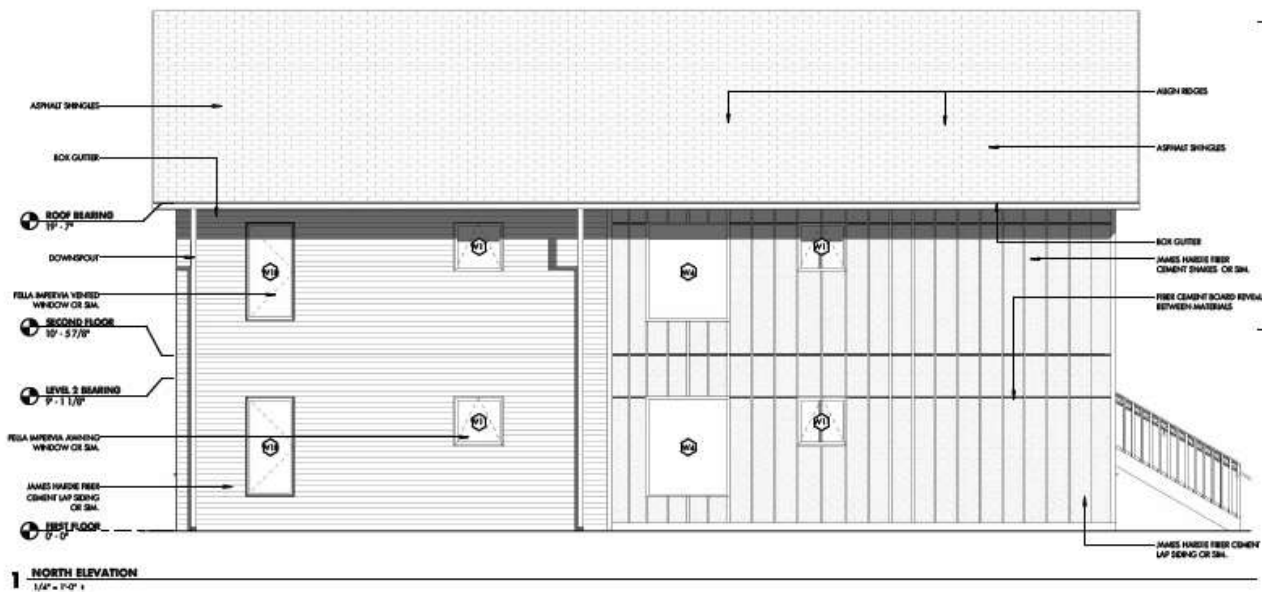
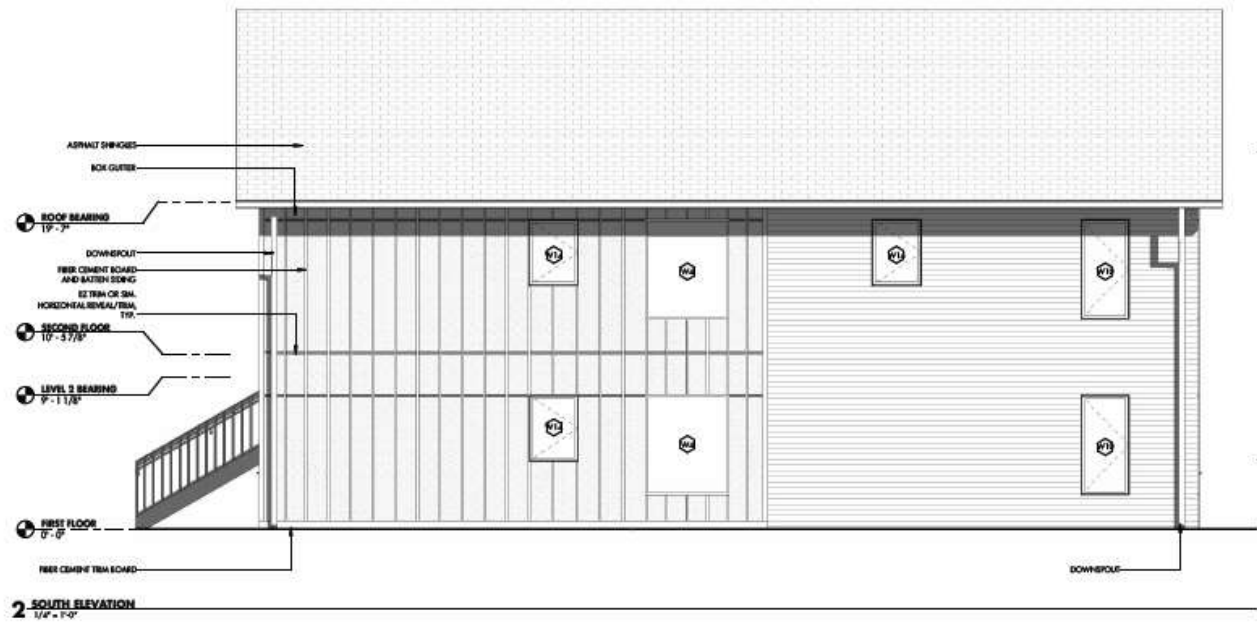
SECOND FLOOR PLAN



ELEVATIONS



ELEVATIONS (Continued)



STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION
WITH A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

47 ½ feet by parallel lines off the East end of Lot No. 36, in Atkins and Perkins University Place Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 9, page 193, in the Office of the Recorder of Marion County, Indiana. Parcel # 1067996/49-06-24-128-059.000-101, 127 East 34th Street

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The Owner agrees that parked cars on the property shall not encroach upon or impede the east alley with a variance of development standards reduction of parking buffer from 5' to zero feet.
3. _____
4. _____
5. _____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The grant will allow handicapped parking immediately adjacent to the handicapped unit entrance.

This will provide safe access for disabled persons within the property rather than in a public right-of-way.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The site immediately to the south of the property is a power utility station and there is an alley immediately east. Therefore, zero foot side and rear yard setbacks for parking will not negatively impact any adjacent property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

A handicapped parking space is needed adjacent to the rear entrance, and four total spaces are needed for four units.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Photo of the subject site.



Photo of the subject site looking northwest from the alley.



Photo of the property east of the site.



Photo of the property west of the site.



Photo of the parking lot and associated church to the north.



Photo of an electrical substation south of the site.